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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,904	12/28/2004	Hideto Furuta	09450/0202246-US0	2666
7278	7590	02/12/2007	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			KERSHTEYN, IGOR	
			ART UNIT	PAPER NUMBER
			3745	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/519,904

Applicant(s)

FURUTA ET AL.

Examiner

Igor Kershteyn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/28/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (6,195,989).

In figures 3-5, Hall et al. teach a fan revolution speed control method for controlling a pump-motor system so as to control the fan revolution speed of a cooling fan that is adapted to be rotated by a fan motor so as to cool a cooling target fluid, said pump-motor system adapted to drive said fan motor by means of hydraulic fluid supplied from an engine-driven fan pump, wherein said fan revolution speed control method comprises steps of: detecting a temperature of a cooling target fluid, determining a target fan revolution speed of said cooling fan based on the detected temperature of said cooling target fluid, controlling said pump-motor system so that the fan revolution speed starts from a minimum fan revolution speed at the-start-up of the engine, and further controlling said pump-motor system so that the fan revolution speed gradually increases to said target fan revolution speed, wherein: said minimum fan revolution speed is maintained for a given period of time at the start-up of the engine.

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Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (4,798,050).

In figures 1, 3, and 4, Nakamura et al. teach a fan revolution speed control method for controlling a pump-motor system so as to control the fan revolution speed of a cooling fan that is adapted to be rotated by a fan motor so as to cool a cooling target fluid, said pump-motor system adapted to drive said fan motor by means of hydraulic fluid supplied from an engine-driven fan pump, wherein said fan revolution speed control method comprises steps of: detecting a temperature of a cooling target fluid, determining a target fan revolution speed of said cooling fan 15 based on the detected temperature of said cooling target fluid, controlling said pump-motor system so that the fan revolution speed starts from a minimum fan revolution speed at the-start-up of the engine, and further controlling said pump-motor system so that the fan revolution speed gradually increases to said target fan revolution speed, wherein: said minimum fan revolution speed is maintained for a given period of time at the start-up of the engine.

#### ***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of two patents.

Oomura et al. (4,798,177) is cited to show a method of controlling a speed of a cooling fan based on the cooled fluid temperature.

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Suzuki et al. (4,941,437) is cited to show a method of controlling a speed of a cooling fan based on the cooled fluid temperature.

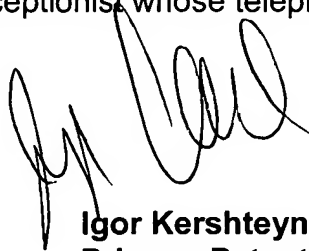
***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK  
February 2, 2007



IGOR KERSHTEYN  
PRIMARY EXAMINER

**Igor Kershteyn  
Primary Patent examiner.  
Art Unit 3745**